

**Appl. No.** : **10/028,451**  
**Filed** : **October 22, 2001**

### **REMARKS**

In response to the Office Action mailed on July 26, 2004, Applicant submits the following remarks and requests reconsideration.

#### Correction of Continuity Requested

Applicant respectfully submits that the present application is entitled to the priority of United States Application No. 09/249,189, filed February 12, 1999, now United States Patent No. 6,183,398 under 35 U.S.C. § 120. Page 2 of the application-as-filed contained the requisite cross-reference. Applicant requests that the records of the United States Patent and Trademark Office be corrected to reflect this priority claim.

#### Consideration of the Information Disclosure Statement Filed October 22, 2001

The Examiner has indicated that the Information Disclosure Statement filed October 22, 2001 failed to comply with 37 C.F.R. § 1.98(a)(2). The Examiner also has indicated that the Information Disclosure Statement was placed in the file but the information contained therein was not considered.

Applicant appreciates the Examiner's suggestion of an electronic filing of the patent numbers. While Applicant disagrees that the Examiner had an option of not considering the Information Disclosure Statement (see 37 C.F.R. § 1.98(d) and 37 C.F.R. § 1.97(b)), Applicant will resubmit the information electronically to assist the Patent and Trademark Office with its paper management.

#### Claims 24-27 Are Patentable

Claims 24-27 have been rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over the claims of United States Patent No. 6,183,398. Applicant does not necessarily agree with the merits of the rejection and is not necessarily acquiescing to the rejection. Nevertheless, Applicant is submitting a terminal disclaimer. The rejection is overcome.

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Claims 1-27 Are Patentable

Claims 1-27 have been rejected under 35 U.S.C. § 112, second paragraph for various reasons. Applicant has clarified Claims 1, 8 and 12 and submits that the language suggested by the Examiner is not narrower than the language used upon filing of the claims. "Mechanical" has been deleted from Claim 13. Claims 15 and 24 have been clarified. Reconsideration of these claims is respectfully requested.

CONCLUSION

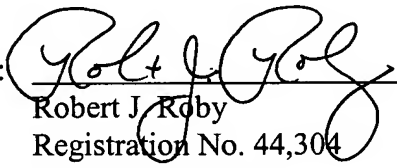
For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10.21.2004

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